

REMARKS

This is in response to the Office Action of June 25, 2008. Claim 1 is amended to recite the features of claim 27. Claims 2-27 and 30-38 are cancelled, without prejudice. The dependency of claim 28 is amended in view of the cancellation of claim 27. New claim 40 is added, directed to a preferred subgenus of original claim 27 – see the specification, page 8, lines 6-15. No new matter is introduced by this Amendment. Claims 1, 28, 29, and 40 are now pending in this application.

Claims 1-38 were rejected under the first paragraph of 35 U.S.C. § 112 as exceeding the scope of the enablement with respect to their recitation of prodrugs. Office Action, pages 2-4. This rejection is overcome by the cancellation of the term “prodrug” from the claims.

Claims 30-38 were rejected under the first paragraph of 35 U.S.C. § 112. Office Action, pages 5-11. These rejections are rendered moot by the cancellation of claims 30-38.

Claims 1-6, 11, 16-22, and 29-38 were rejected under 35 U.S.C. § 102(a) as being anticipated by the Hinshaw et al. article. Office Action, page 12. Claims 1-6, 11, 16-22, and 29-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Brown et al. letter. Office Action, page 13. Claims 1-6, 11, 16-22, and 29-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Brown et al. article. Office Action, page 13.

Hinshaw et al. describe certain oxidosqualene cyclase inhibitors which are useful as antimicrobial agents. In both papers, Brown et al. describe quinuclidine inhibitors of oxidosqualene cyclase-lanosterol synthase. These references disclose certain azabicyclic aryl derivatives which may correspond to those of Applicants' Formula I where L represents an oxygen linkage (-O-). However, the claims currently before the Examiner no longer read on such embodiments. Accordingly, claims 1, 28, 29 and 40 in their present form are clearly differentiated over the prior art.

Contact information

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 25, 2008

Respectfully submitted,

By  #28,781

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